

SCHUERING & DOYLE LLP

350 University Avenue, Suite 200

Sacramento, California 95825

Telephone (916) 567-0400

Fax (916) 568-0400

Daniela P. Stoutenburg - State Bar No. 183785; Email: dps@szs.com

Carolyn L. Northrop – State Bar No. 237989; Email: cln@szs.com

Attorneys for HANDLE WITH CARE BEHAVIOR MANAGEMENT SYSTEM, INC.

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

LOUIE ANDREAS MARQUES, ET AL.,

Plaintiffs,

v.

GUIDING HANDS SCHOOL, INC., ET AL,

Defendants.

Case No.: 2:22-cv-00150-DJC-CSK

**STIPULATION AND ORDER
DISMISSING DEFENDANT HANDLE
WITH CARE BEHAVIOR
MANAGEMENT SYSTEM, INC**

**Judge: Hon. Daniel J. Calabretta SAC
Filed: 01/28/22 Trial Date: Not Set -
Stayed**

WHEREAS, Plaintiffs LOUIS ANDREAS MARQUES, GLORIA V.M., THOMAS V.M., AND JORDAN V.M., (“Plaintiffs”) have filed this action arising out of the use of restraints while they were students at Guiding Hands School.

WHEREAS, Plaintiffs have named Defendant Handle With Care Behavior Management System, Inc. (“HWC”), amongst other Defendants;

WHEREAS, counsel for Plaintiffs have met and conferred with counsel for HWC, and these Parties have reached agreement on the terms under which this Defendant should be dismissed from this action without prejudice.

WHEREFORE, the Parties stipulate and agree as follows:

1. Defendant HWC shall be dismissed as a Defendant in this action, without prejudice;

- 1 a. Nothing about this stipulation precludes Plaintiffs from seeking leave to amend
2 the operative Complaint to re-name HWC as a Defendant if discovery later
3 reveals new, material evidence, that would provide a reasonable likelihood of
4 liability on HWC's part. Conversely, nothing about this stipulation precludes
5 HWC from opposing any such motion for leave to amend. The Parties agree
6 that any motion seeking leave to re-name HWC must be filed no later than 180
7 days prior to the last day to complete fact discovery (pursuant to the original
8 trial date). Should HWC be re-named as a defendant in this matter, nothing
9 about this stipulation precludes HWC from requesting a continuance of trial, if
10 need be, in order to ensure that HWC has adequate time to prepare a defense
11 and file any dispositive motion, which Plaintiffs agree to not oppose. Also,
12 nothing in this stipulation precludes HWC from filing a motion to dismiss
13 should HWC be re-named as a defendant in this matter;
- 14 b. In the event the Court later grants a motion by Plaintiffs for leave to amend
15 that permits Plaintiffs to re-name HWC as a Defendant, the Parties agree that
16 any and all applicable statute(s) of limitation shall be deemed equitably tolled
17 during the period of HWC's dismissal from this litigation, as though no such
18 dismissal had occurred. The Parties further stipulate and agree that any statute
19 of limitations defense that may have existed prior to the dismissal of HWC
20 pursuant to this stipulation, can be asserted by HWC in the event that that
21 HWC is re-named as a defendant in this action. The Parties further stipulate
22 and agree that any other defenses that may have existed prior to the dismissal
23 of HWC pursuant to this stipulation (including, but not limited to, Plaintiffs
24 failure to serve the complaint within 90 days pursuant to Rule 4M) can be
25 asserted or re-asserted by HWC in the event that HWC is re-named in as a
26 defendant in this action.

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2. Unless HWC is later re-named as a Defendant in this action, Plaintiffs and HWC
hereby agree to bear their own costs and attorney's fees incurred in this action.

IT IS SO STIPULATED.

Dated: November 24, 2025

LAW OFFICES OF SETH GOLDSTEIN

/s/ Seth L. Goldstein

Seth L. Goldstein

Lead Counsel for Plaintiffs

Dated: November 24, 2025

THE BENNETT LAW GROUP

Merit Bennett

Merit Bennett, Esq., Pro Hac Vice

Co-Counsel for Plaintiffs

Dated: November 24, 2025

SCHUERING & DOYLE

Daniela Stoutenburg

Daniela P. Stoutenburg

Carolyn L. Northrop

Attorneys for Handle with Care Behavior
Management System, Inc.

ORDER

The Court, having reviewed the Parties stipulation set forth above, and good cause appearing therefore, hereby orders as follows:

1. Defendant Handle With Care Behavior Management System, Inc. (“HWC”) is hereby dismissed from this action without prejudice.
2. If discovery later reveals new, material evidence, that would provide a reasonable likelihood of liability on HWC’s part, Plaintiffs may seek leave to amend the operative Complaint to re-name HWC as a Defendant, and Defendant may oppose any such motion. Any such motion must be filed no later than 180 days prior to the last day to complete fact discovery (pursuant to the original trial date). Should HWC be re-named as a defendant in this matter, HWC may request a continuance of trial, if need be, in order to ensure that HWC has adequate time to prepare a defense and file any dispositive motion, which Plaintiffs agree to not oppose. Also, HWC will have the opportunity to file a motion to dismiss should HWC be re-named as a defendant in this matter.
3. In the event the Court later grants a motion by Plaintiffs for leave to amend that permits Plaintiffs to re-name HWC as a Defendant, any and all applicable statute(s) of limitation shall be deemed to have been equitably tolled during the period of HWC’s dismissal from this litigation, as though no such dismissal had occurred. Further, any statute of limitations defense that may have existed prior to the dismissal of HWC pursuant to this stipulation, can be asserted by HWC in the event that that HWC is re-named as a defendant in this action. Further, any other defenses that may have existed prior to the dismissal of HWC pursuant to this stipulation (including, but not limited to, Plaintiffs failure to serve the complaint within 90 days pursuant to Rule 4M) can be asserted or re-asserted by HWC in the event that HWC is re-named in as a defendant in this action.

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1 4. Unless HWC is later re-named as a Defendant in this action, Plaintiffs and HWC shall
2 each bear their own costs and attorney's fees incurred in this action.

3 **IT IS SO ORDERED.**

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5 Dated: December 8, 2025

/s/ Daniel J. Calabretta

6 THE HONORABLE DANIEL J. CALABRETTA
7 UNITED STATES DISTRICT JUDGE
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